



## Community Development Department

**DATE:** 6/2/2021

**FROM:** Ben Ehreth, AICP, Community Development Director

**ITEM:**

Parts of Blocks 2-4, Boulder Ridge Seventh Addition First Replat

**REQUEST:**

Five Guys Investment, LLP is requesting approval of the annexation of Lot 4-14, Block 2, Lot 1, Block 3, and Lots 1-9 and Lots 23-29, Block 4, Boulder Ridge Seventh Addition First Replat. The request would allow the development of 28 lots for single, two-family and multifamily development.

The property is located in north Bismarck, west of North Washington Street and south of 57th Avenue NE.

Please place this item on the June 8, 2021 City Commission meeting agenda.

**BACKGROUND INFORMATION:**

The Planning & Zoning Commission considered this request on May 26, 2021.

Upon consideration, and based on the findings contained in the staff report, the Planning & Zoning Commission unanimously recommended approval of the Lot 4-14, Block 2, Lot 1, Block 3, and Lots 1-9 and Lots 23-29, Block 4, Boulder Ridge Seventh Addition First Replat.

The annexation request includes adjacent rights-of-way including the south half of the adjacent 57<sup>th</sup> Avenue NE.



**RECOMMENDED CITY COMMISSION ACTION:**

June 8th meeting of the Board of City Commissioners – consider the annexation as outlined in Ordinance 6466 call for a public hearing on this item for the June 22nd meeting of the Board of City Commissioners.

June 22nd meeting of the Board of City Commissioners - hold a public hearing on the annexation as outlined in Ordinance 6466 and take final action on the request.

**STAFF CONTACT INFORMATION:**

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Daniel Nairn, AICP | Planner, 355-1854 or [dnairn@bismarcknd.gov](mailto:dnairn@bismarcknd.gov)

**ORDINANCE NO. 6466**

*First Reading*

*Second Reading*

*Final Passage and Adoption*

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AN ORDINANCE ANNEXING PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DECLARING THE TERRITORY ANNEXED; DECLARING THE SAME TO BE A PART OF THE CORPORATE LIMITS OF SAID CITY.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA:

Section 1. Territory Annexed. The territory and land hereinafter described is hereby declared and found to be a part of the corporate limits of the City of Bismarck, Burleigh County, North Dakota, as follows:

Lot 4-14, Block 2, Lot 1, Block 3, and Lots 1-9 and Lots 23-29, Block 4, Boulder Ridge Seventh Addition First Replat and adjacent rights-of way.

The above described tract of land contains 20.3 acres, more or less.

Section 2. Provisions Applicable. From and after the final passage and adoption of this ordinance and upon recording of this ordinance with the Burleigh County Recorder, the territory herein described shall be a part of the corporate limits of the City of Bismarck, Burleigh County, North Dakota.



## STAFF REPORT

City of Bismarck  
Community Development Department  
Planning Division

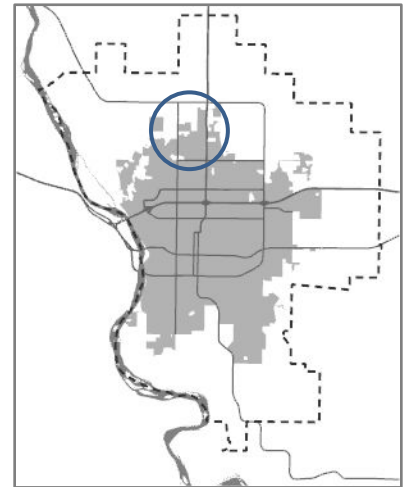
May 26, 2021

### Application for: Annexation

TRAKiT Project ID: ANNX2021-005

### Project Summary

<i>Title:</i>	Lot 4-14, Block 2, Lot 1, Block 3, and Lots 1-9 and Lots 23-29, Block 4, Boulder Ridge Seventh Addition First Replat
<i>Status:</i>	Planning & Zoning Commission – Final Consideration
<i>Owner(s):</i>	Five Guys Investment, LLP
<i>Project Contact:</i>	Landon Niemiller, Swenson, Hagen & Co.
<i>Location:</i>	In north Bismarck, west of North Washington Street and south of 57 <sup>th</sup> Avenue NE
<i>Project Size:</i>	20.3 acres
<i>Request:</i>	Annex property for future development



### Site Information

#### Existing Conditions

<i>Number of Lots:</i>	28 lots in 3 blocks
<i>Land Use:</i>	undeveloped
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	R5 – Residential R10 – Residential RM15 – Residential
<i>Uses Allowed:</i>	R5 – Single-family residential R10 – Single and two-family residential RM15 – Multi-family residential
<i>Max Density Allowed:</i>	R5 – 5 units / acre R10 – 10 units / acre RM15 – 15 units / acre

#### Proposed Conditions

<i>Number of Lots:</i>	28 lots in 3 blocks
<i>Land Use:</i>	residential
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	R5 – Residential R10 – Residential RM15 – Residential
<i>Uses Allowed:</i>	R5 – Single-family residential R10 – Single and two-family residential RM15 – Multi-family residential
<i>Max Density Allowed:</i>	R5 – 5 units / acre R10 – 10 units / acre RM15 – 15 units / acre

### Property History

<i>Zoned:</i>	07/2019	<i>Platted:</i>	12/2020	<i>Annexed:</i>	N/A
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(continued)

**Staff Analysis**

Five Guys Investment, LLP is requesting approval of the annexation of Lot 4-14, Block 2, Lot 1, Block 3, and Lots 1-9 and Lots 23-29, Block 4, Boulder Ridge Seventh Addition First Replat.

Adjacent uses include a private school and undeveloped land zoned CA – Commercial to the north, developing single and two-family residential to the east and south, and undeveloped land zoned RT – Residential, CA – Commercial and P – Public to the west.

**Growth Phasing Plan**

The Growth Phasing Plan identifies this entire area as a Priority Urban Growth Area. The area of this annexation can currently be served with city utilities.

**Utility Capital Charges**

The annexation of any new lots within the City of Bismarck is subject to utility capital charges for municipal utilities. Utility capital charges are due at the latter of three points: annexation and platting; water and sewer escrow; or petition for street improvement.

**Required Findings of Fact** (relating to land use)

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed;

2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

**Staff Recommendation**

Based on the above findings, staff recommends approval of the annexation of Lot 4-14, Block 2, Lot 1, Block 3, and Lots 1-9 and Lots 23-29, Block 4, Boulder Ridge Seventh Addition First Replat.

**Attachments**

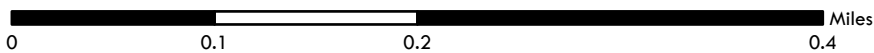
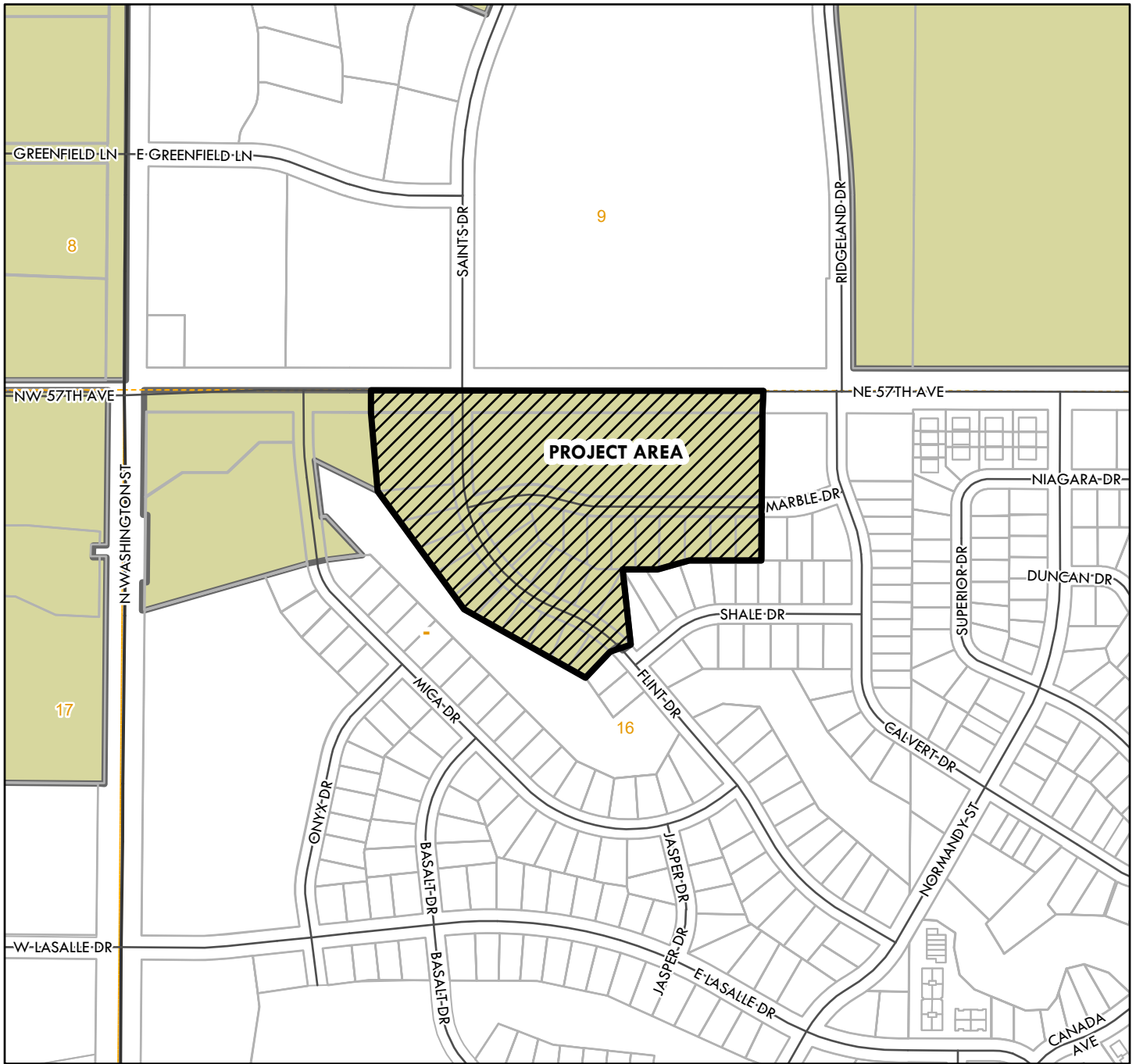
1. Draft Annexation Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map



# Location Map

BOULDER RIDGE SEVENTH ADDITION FIRST REPLAT, PT B2-4

ANNX2021-005



City Limits



County Outside ETA

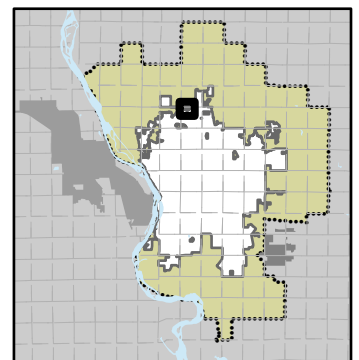


Bismarck ETA Jurisdiction

*Section, township, and  
range indicated in orange*

City of Bismarck  
Community Development Department  
Planning Division  
May 21, 2021 (HLB)

*This map is for representational use only and does not represent a survey.  
No liability is assumed as to the accuracy of the data delineated hereon.*



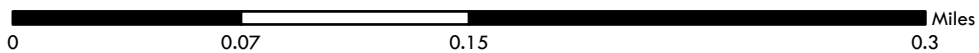
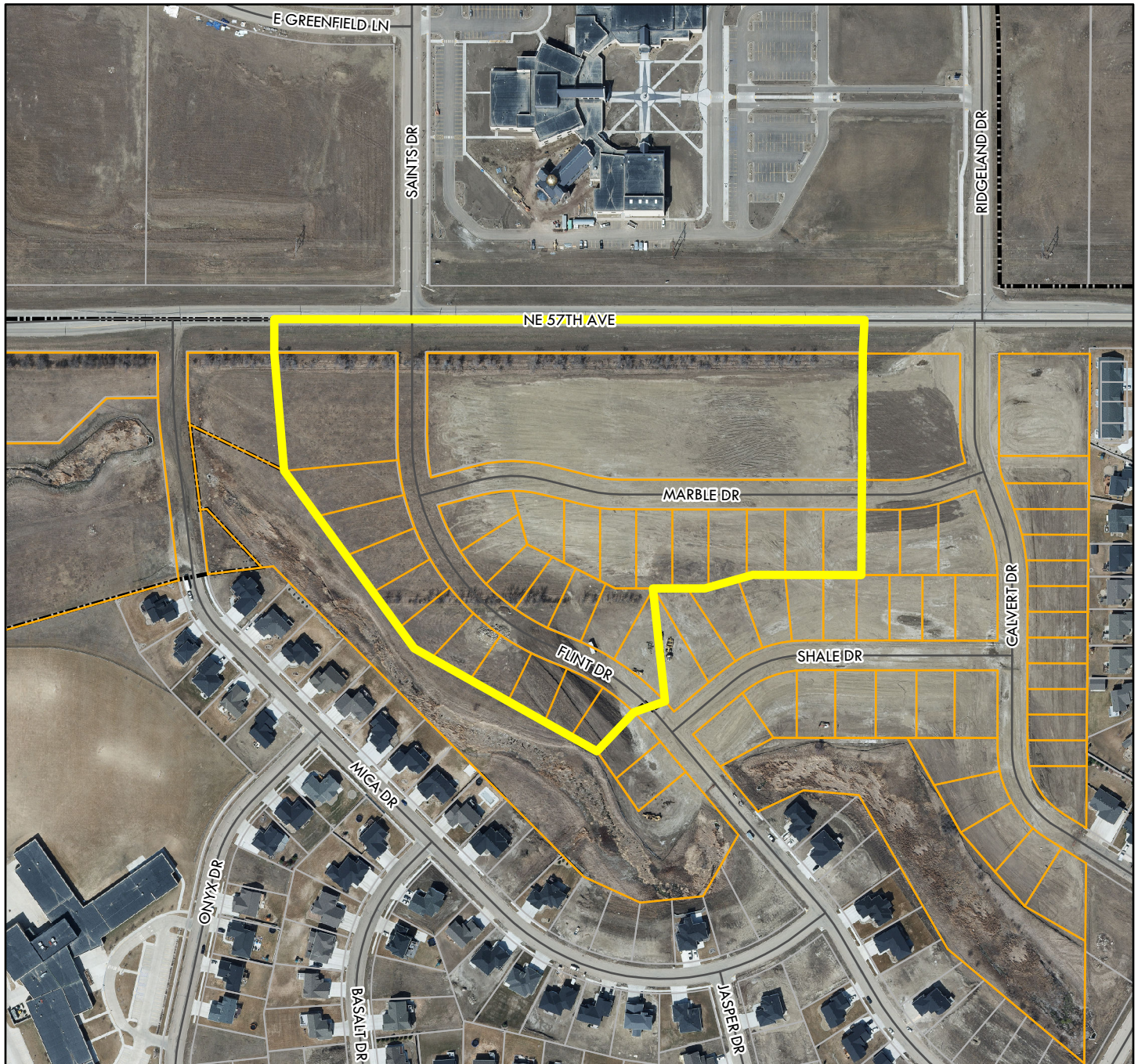




## Aerial Map

BOULDER RIDGE SEVENTH ADDITION FIRST REPLAT, PT B2-4

ANNX2021-005

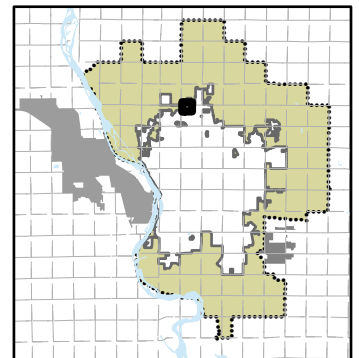


City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck  
Community Development Department  
Planning Division  
May 21, 2021

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## Zoning and Plan Reference Map

ANNX2021-005

BOULDER RIDGE SEVENTH ADDITION FIRST REPLAT, PT B2-4

### Zoning Districts

<b>A</b>	Agriculture
<b>RR</b>	Rural
<b>R5</b>	Residential
<b>RMH</b>	Manufactured Home Residential
<b>R10</b>	Residential
<b>RM</b>	Residential Multifamily
<b>RT</b>	Residential (Offices)
<b>HM</b>	Health and Medical
<b>CA</b>	Commercial
<b>CG</b>	Commercial
<b>MA</b>	Industrial
<b>MB</b>	Industrial
<b>PUD</b>	Planned Unit Development
<b>DC</b>	Downtown Core
<b>DF</b>	Downtown Fringe

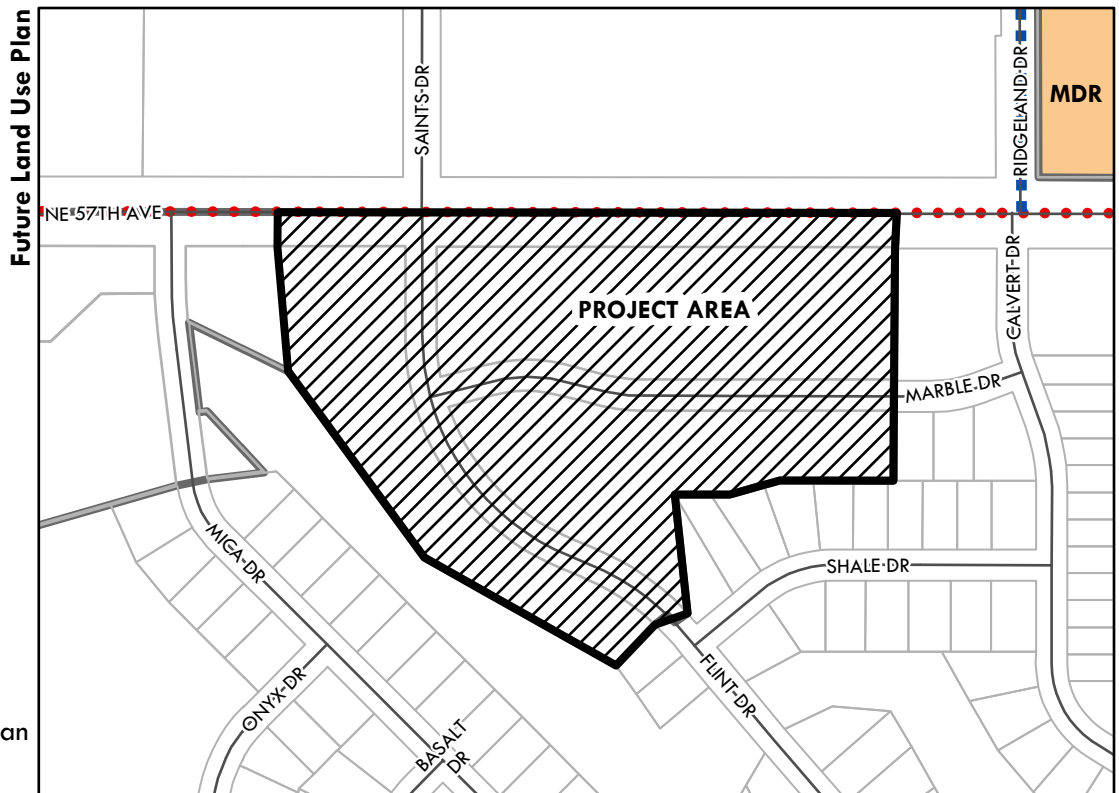
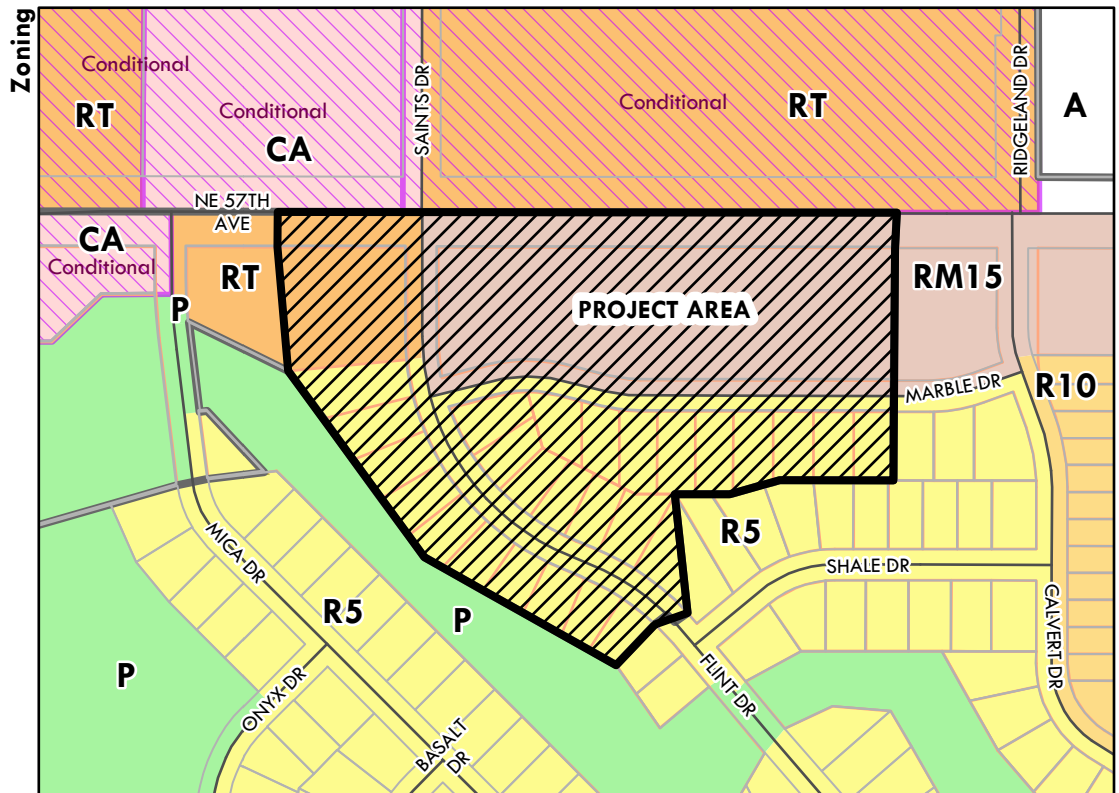
### Future Land Use Plan

<b>CONSRV</b>	Conservation
<b>BP</b>	Business Park
<b>C</b>	Commercial
<b>C/MU</b>	Commercial/Mixed Use
<b>CIVIC</b>	Civic
<b>HDR</b>	High Density Residential
<b>I</b>	Industrial
<b>LDR</b>	Low Density Residential
<b>MDR</b>	Medium Density Residential
<b>MDR-/MU</b>	Medium Density Residential/Mixed Use
<b>O/MU</b>	Office/Mixed Use
<b>RR-C</b>	Clustered Rural Residential
<b>RR</b>	Standard Rural Residential
<b>UR</b>	Urban Reserve

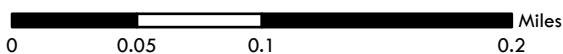
### Fringe Area Road Master Plan

● ● ● Future Arterial Road

■ ■ ■ Future Collector Road



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City of Bismarck  
Community Development Dept.  
Planning Division  
May 21, 2021